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ENVIRONMENTAL IMPACT REPORT FORMAT AND GENERAL CONTENT REQUIREMENTS

Department of Planning and Land Use
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PURPOSE

This document's ultimate goal is to help in the preparation of useful, organized, consistent, and legally adequate Environmental Impact Reports (EIRs) in a timely and cost efficient manner.

This document is intended to complement, not reproduce or replace, pertinent California Environmental Quality Act (CEQA) and State and County CEQA Guidelines sections governing the preparation of EIRs.

For additional and detailed comments regarding formal EIR content and general guidelines relating to preparing adequate EIRs refer to *Guide to the California Environmental Quality Act (CEQA)*, Tenth edition (Remy, Thomas, et al.), or *Practice Under the California Environmental Quality Act* (Kostka and Zischke).

GENERAL ISSUES AND GUIDANCE FOR THE WRITING OF DRAFT EIRs

1. CONTENTS:

- The contents of an EIR required by the CEQA and the State and County CEQA Guidelines are hereby incorporated by reference.

2. FORMAT:

- Unless an exception is granted, every draft EIR shall have the components as shown on Pages 4 and 5 of this document and as detailed in the following pages.
- **DOCUMENTS THAT DO NOT CONTAIN ALL OF THE MANDATORY SECTIONS DESCRIBED IN THIS DOCUMENT WILL NOT BE ACCEPTED FOR REVIEW BY COUNTY STAFF UNLESS AN EXCEPTION IS GIVEN BY THE DIRECTOR OF THE DEPARTMENT OF PLANNING AND LAND USE (DPLU).**

NOTE: The format and content requirements of Supplemental EIRs will be determined on a case-by-case basis from the components listed on pages of this document.

3. DOCUMENT LENGTH:

- The length of draft EIRs must be kept to the absolute minimum. The document shall be only as long as required to accurately convey the pertinent issues and to contain the level of analysis required to legally comply with the CEQA.
- Extraneous and "filler" material must always be omitted from EIRs. The total length of the narrative portion of the draft EIR must be kept below 100 pages. **DRAFT EIR NARRATIVES THAT EXCEED THIS PAGE LENGTH LIMITATION WILL NOT BE ACCEPTED FOR REVIEW BY COUNTY STAFF UNLESS AN EXCEPTION IS GIVEN BY THE DIRECTOR OF THE DPLU.** Although exhibits and tables are page numbered, they are excluded from the page limitation. Appendices are also excluded. (State CEQA Guidelines* §§ 15006, 15141, 15147.)

4. EDITORIAL MATTERS:

- It is expected that the draft EIR will be properly edited for correct format, spelling, grammar, page numbering, internal consistency and other editorial matters. The draft EIR must be prepared in a clear format, written in clear language for review and understanding by decision-makers and the public.

* - 14 Cal. Code Regs. § 15000 et seq.; hereinafter all section references are to the State CEQA Guidelines.

(§15140.) Complex and extremely analytical materials must be summarized and simplified, with the details and harder to comprehend materials placed in the technical appendices.

- The EIR must be written in a factual and objective manner. The document must provide a good faith effort of full disclosure.
- Draft EIRs that attempt to "slant" the document in favor of, or against the project are unacceptable. **COUNTY STAFF WILL REJECT THE DRAFT EIR IF PRELIMINARY REVIEW REVEALS NUMEROUS EDITORIAL ERRORS OR OBVIOUS SLANT.**
- The EIR shall cite all documents used in its preparation including, where possible, the page and section number of any technical reports. (§15148). Other documents may be incorporated by reference, provided that the referenced document is summarized in the EIR and is made available for public inspection at a public place identified in the EIR, including a County office. (§15150).

5. Prohibited Matter:

- Draft EIRs shall not include "trade secrets" as defined in Government Code §6254.7. Nor shall they include information about the location of archaeological sites or sacred lands, or any information subject to disclosure restrictions under Government Code §6254.

GENERAL FORMAT OF DRAFT EIRs

COVER PAGE

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S.1 Project Synopsis

S.2 Summary of Significant Effects and Mitigation Measures that Reduce Or Avoid the Significant Effects [In Tabular Form]

S.3 Areas of Controversy

S.4 Issues to be Resolved by the Decision-Making Body

S.5 Project Alternatives

CHAPTER 1.0 - PROJECT DESCRIPTION AND ENVIRONMENTAL SETTING

1.1. Project Description and Location

1.1.1 Precise Location/ Boundary

1.1.2 Project's Component Parts

1.1.3 Technical, Economic, Environmental Characteristics

1.2 Project Objectives

1.3 Intended Uses of the EIR

1.3.1 Matrix of Project Approvals/Permits [Preferably in Tabular Form]

1.4 Environmental Setting

1.5 Consistency of Project With Applicable Regional and General Plans

1.6 List of Past, Present, and Reasonably Anticipated Future Projects in the Project Area [In Tabular Form] [Unless Summary of Projections is Used]

1.7 Growth-Inducing Effects

CHAPTER 2.0 – SIGNIFICANT ENVIRONMENTAL EFFECTS WHICH CANNOT BE AVOIDED IF THE PROPOSED PROJECT IS IMPLEMENTED

2.1 Subject Area Analysis [Repeat as Necessary]

- 2.1.1 Existing Conditions**
- 2.1.2 Guidelines for the Determination of Significance**
- 2.1.3 Analysis of Project Effects and Determination of Significant Impact**
- 2.1.4 Cumulative Impact Analysis**
- 2.1.5 Growth Inducing Impacts [If Any]**
- 2.1.6 Mitigation Measures**
- 2.1.7 Conclusion**

2.X Significant Irreversible Environmental Changes Resultant From Project Implementation [Only required for certain projects]

CHAPTER 3.0 - SIGNIFICANT ENVIRONMENTAL EFFECTS OF THE PROPOSED PROJECT WHICH CAN BE MITIGATED

3.1 Subject Area Analysis [Repeat as Necessary]

- 3.1.1 Existing Conditions**
- 3.1.2 Guidelines for the Determination of Significance**
- 3.1.3 Analysis of Project Effects and Determination as to Significance**
- 3.1.4 Cumulative Impact Analysis**
- 3.1.5 Growth Inducing Impacts [If Any]**
- 3.1.6 Mitigation Measures Proposed to Minimize the Significant Effects**
- 3.1.7 Conclusions**

CHAPTER 4.0 - ENVIRONMENTAL EFFECTS FOUND NOT TO BE SIGNIFICANT

4.1 Effects Found Not Significant as Part of the EIR Process

- 4.1.1 Subject Area Analysis [Repeat as Necessary]**

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CHAPTER 5.0 – ALTERNATIVES TO THE PROPOSED PROJECT

5.1 Rationale for Alternative Selection

5.2 Analysis of the "X" Alternative [Repeat as Necessary, including "No Project" Alternative]

- 5.2.1 "X" Alternative Description and Setting**
- 5.2.2 Comparison of the Effects of the "X" Alternative to the Proposed Project**
- 5.2.3 Rationale for Preference of Proposed Project over the "X" Alternative**

LIST OF REFERENCES

LIST OF EIR PREPARERS AND PERSONS AND ORGANIZATIONS CONTACTED

**LIST OF MITIGATION MEASURES AND ENVIRONMENTAL DESIGN
CONSIDERATIONS**

TECHNICAL APPENDICES

REQUIREMENTS FOR DRAFT EIR CONTENTS

COVER PAGE

The cover page must include the following information:

- Project common name.
- Permit number(s) (if applicable).
- DPLU environmental log number.
- State Clearinghouse (SCH) number (if applicable).
- Date (must be revised during each edition of the draft EIR).
- DPLU contact's name, and DPLU address and phone number.
- EIR preparer's name, and firm name and address.
- Project proponent's name and firm name.

TABLE OF CONTENTS

The Table of Contents is a mandatory section pursuant to CEQA Guidelines §15122 and must facilitate use of the EIR. The following discussion details miscellaneous format requirements.

The Table of Contents must be formatted in the following manner:

CHAPTER 1.0 [NOTE: CHAPTERS SPECIFIED BY NUMBER, BOLD, AND IN ALL CAPS]

1.1 - Subchapters in upper and lower case, bold, and underlined

1.1.1 - Sub-subchapters in upper and lower case, and bold.

General guidance and Key Compliance Points

- Chapter numbers must correspond with chapter numbers as detailed in this document. Subchapters must also follow the prescribed sequence but can be renumbered, if appropriate. Sub-numbers that contain more than four digits (i.e.: 1.1.1.1) are discouraged.
- The Table of Contents must also contain a list of figures, tables, and appendices. Figures and tables must be numbered sequentially by chapter (e.g., Figure 2-5, Table 4-3). Technical appendices must be identified by letter and subject.
- Figures and tables must be consolidated and placed at the end of the chapter (for Summary and Chapters 1, 5) or subchapter (for Chapters 2, 3, and 4) unless specifically required to be placed in a particular location (e.g., matrix of project approvals/permits).

- Pages must be numbered sequentially by chapter (e.g., 3-7, 7-2). An exception to this requirement can be used for Chapters 2.0 and 3.0, which can be numbered sequentially by subchapter, at the consultant's discretion.

LIST OF ACRONYMS

The List of Acronyms must appear directly following the TABLE OF CONTENTS and contain all acronyms used throughout the draft EIR, including technical, legal and industry related terms. The List must be alphabetical and clearly arranged.

SUMMARY

The summary satisfies the requirements set forth in §15123. The summary must be formatted in the following manner, should be as concise as possible, using clear simple language, and any case, not exceed 15 pages. **The Summary must be fully consistent with the text of the EIR. Failure to assure consistency may lead to the documents inadequacy. The SUMMARY must include the following information:**

S.1 Project Synopsis

- This subchapter must provide a very abbreviated discussion of the proposed project including project location, description, and setting.

S.2 Summary of Significant Effects and Mitigation Measures That Reduce or Avoid the Significant Effects [In Tabular Form]

- This subchapter provides a brief summary, preferably in a tabular format, of each environmental effect of the proposed project found to be significant, the mitigation measures that would reduce or avoid that effect, and the conclusion as to whether the effect is reduced below a level of significance by applying the mitigation measures.
- Any unavoidable significant effects must be listed first, followed by the significant effects that can be reduced or avoided through mitigation measures. Effects found not to be significant must not be included in this summary. This statement/table must also reference the subchapters of the EIR where the topics are analyzed in detail. (§15123(b)(1).) (See, Guidance Sample A)
- This Table must include all project - related impacts, including direct, indirect, cumulative and growth-inducing impacts.

S.3 Areas of Controversy

- This subchapter must identify issues concerning environmental effects, mitigation, or alternatives known at the time of the writing of the draft EIR. The subchapter must identify issues raised by the applicant, public, and/or by public agencies outside of the County of San Diego. Examples include any disagreements among technical experts and the adequacy or necessity of proposed mitigation measures to reduce impacts below the level of significance. (§15123(b)(2).)

S.4 Issues to be Resolved by the Decision-Making Body

- This subchapter identifies and summarizes the issues to be resolved by the decision-making body. Examples of typical issues to be resolved include the determination of whether and how to mitigate significant effects, choices among project alternatives, and conformance with County ordinances and/or plans. (§15123(b)(3).)

S.5 Project Alternatives

- This subchapter provides a brief summary of each alternative, the significant effects associated with the alternatives, whether or not the project alternative is environmentally superior, and a very brief rationale for the preference of the proposed project over the environmentally superior alternative(s).
- The most superior alternatives must be listed first, followed by any inferior alternatives. This summary must also reference the subchapter of the EIR where alternatives are analyzed in detail. (§15123(b)(1).) A sample Comparison of Project Alternatives is attached as Guidance B.

CHAPTER 1.0 PROJECT DESCRIPTION, LOCATION, AND ENVIRONMENTAL SETTING

This chapter implements the majority of the provisions of §§15124 and 15125. It is composed of five subchapters, which collectively provide clarity for the reader on the questions of what, why, when, and where. The objectives of this section are to assure accuracy, consistency and to identify reasonably foreseeable activities relating to the project.

1.1 Project Description and Location

This subchapter provides a detailed description of the project as proposed. Considerable thought and effort must be expended in developing the project description otherwise substantial costs and time may be lost later in the project processing while required changes are made to the environmental documents.

This section must discuss what the project is and why it is being proposed. The project description must include project design considerations required to meet regulatory compliance. The project description must contain the following elements:

1.1.1 Precise Location/ Boundary:

The precise location and boundaries of the project site must be described. Both regional and vicinity (preferably topographic) location maps must be included to show the project's location. (§15124(a).)

1.1.2 Project's Component Parts:

The narrative must be supplemented by a project plan or map of appropriate scale and legibility. Details of any project phasing must also be included in this subchapter and must be supported by an illustration on the project plan or map, if possible. All of the steps in project implementation must be described including planning, phasing, steps in project implementation, acquisition, construction, operation, and decommissioning, if applicable.

1.1.3 Technical, Economic, and Environmental Characteristics:

This section shall include a general description of the project's technical, economic, and environmental characteristics. (§15124(c).) Key considerations may include:

- Technical aspects of the project may include considerations of land use, density and intensity, engineering requirements, and visual or aesthetic features.
- Economic considerations may include project marketability, balanced land use policy (i.e., deficiencies and surpluses of certain types of land uses), and limitations in project funding. (This information is optional at the applicant's discretion based upon whether or not these issues are critical to the proposed project design.)

- Environmental constraints or characteristics, or compliance with environmental regulations/policies which influenced the initial project design (e.g. RPO) Examples may include avoidance of geologic hazards known to the site, steep topography, avoidance of impacts to sensitive resources (e.g., biological, natural, water, cultural), storm discharge requirements, Air Pollution Control District (APCD) permit requirements, project accessibility, hazards (e.g., floodway avoidance, 65 dB Community Noise Equivalent Level [CNEL] noise contours), etc. These design considerations that are relied for regulatory compliance must be discussed. While not mitigation, these design considerations, must be listed in the "List of Mitigation Measures and Environmental Design Considerations" at the end of the EIR to ensure that their implementation is required as a condition of project approval.
- Supporting public service facilities shall be considered. (§15124(c).)

General Guidance and Key Compliance Points

- The project description is the focus of much CEQA litigation concerning EIRs. Therefore, it is imperative that the above content be included in sufficient detail and that the project description be accurate, finite, and consistent throughout the EIR.
- Care must be taken not to divide what must be considered a single project into multiple projects (i.e., do not "piecemeal" a project).
- The EIR must not attempt to narrow or limit the scope of environmental review. The project must be analyzed as a "whole", including reasonably foreseeable future expansion of the project. This analysis may include consideration of water/ sewer line expansions, temporary projects, and/or public improvements.
- If the project involves the construction of public service facilities (e.g., on-/off-site water/wastewater treatment facilities, water reservoir, sewer extensions), such facilities must be described including their location, capacity, and agency responsible for implementation. (§15124(c).)
- An explanation of the project background that may include previous projects on the site (e.g., previous approvals/denials) that increase the understanding of the project may also be contained within this subchapter, as necessary.

1.2 Project Objectives

This subchapter provides the rationale for the proposal in a discussion that identifies **why** the applicant is undertaking the proposed project (e.g., economic gain, provisions of short-term jail facilities to reduce overcrowded incarceration facilities, reduction in traffic congestion, marketability through innovative design, reduction of a flood hazard at a reasonable cost). Project objectives must not be confused with the project description, which is a statement of **what** the project is proposing.

General Guidance and Key Compliance Points

- Quantifiable terms must be used as much as possible.
- **Project mitigation measures or design considerations MAY NOT be included as project objectives.**
- Project objectives must not be so narrowly defined as to preclude the analysis of a "reasonable range" of project alternatives in Chapter 4.0.
- Substantial effort should be expended to identify the project objectives because they will play a key role in the identification and evaluation of project alternatives.

1.3 Intended Uses of the EIR

This section shall include the following statement : “This EIR is an informational document which will inform public agency decision-makers and the public generally of significant environmental effect of a project, identify possible ways to minimize the significant effects, and describe reasonable alternatives to the project.” (§15121(a).) This subchapter must contain a brief discussion of the type of EIR (e.g., project, program, supplemental) including the rationale and any limitations for the type of EIR selected. (§15124(d) and §§15160-15170.)

1.3.1 Matrix of Project Approvals/Permits [Tabular Form]

This subchapter must consist of a table of all approvals/permits for which the EIR is intended to be used and the agencies that are expected to use the EIR in their decision-making. §§15124(d)(1)(A)-(C).

The listing of approvals must be categorized by jurisdiction. If multiple approvals are required from the same jurisdiction, the approvals must be listed in the order they are believed to occur. If the EIR type (e.g., program, tiered, staged) will only cover a portion of the required approvals, the subchapter must clearly identify which approvals the EIR is intended to cover. (See, Guidance Sample C.)

1.3.2 List of Related Environmental Review & Consultation Requirements

List any related environmental review and consultation requirements imposed by federal, state or local laws, regulations or policies. (§15124(d)(1)(C).)

1.4 Environmental Setting

This subchapter generally includes a discussion of “baseline” physical environmental conditions of and in the vicinity of the project, including topography, vegetation/habitats, circulation, surrounding land uses and/or ownerships, geographic features such as lakes, streams, and canyons, and the major infrastructure both serving and in the vicinity of the proposed project.

The “baseline” shall be the environmental conditions as they existed at the time the Notice Of Preparation (“NOP”) is published, or if no NOP is published, at the time environmental analysis is commenced. (§15125(a).) Unless otherwise directed by staff, the description of the environmental baseline conditions shall be based on the existing legal condition of the property, prior to any unauthorized activities (e.g.: grading, clearing) or actions taken in preparation for the project, such as septic testing or geotechnical investigations.

The discussion must start from the regional perspective and then provide site-specific details. In order to avoid repetition, it is acceptable to refer the reader to site-specific environmental setting (existing conditions) discussions in Chapters 2.0 and 3.0. Emphasis must be given to environmental resources that are rare or unique in the region of the proposed project and would be affected by project implementation. (§15125(c).) Adjacent properties/ habitats must be included in environmental setting.

1.5 Any Project Inconsistencies With Applicable Regional and General Plans

This subchapter should focus on and provides a discussion of the project’s INCONSISTENCIES with regional and/or general plans. The inclusion of a discussion on the project’s CONSISTENCY with regional and general plans is not necessary. If no inconsistencies are found, the plans that were reviewed must simply be listed accompanied by a statement that no inconsistencies were found. If inconsistencies with a regional or general plan are found, the effect on the subject resource is usually considered significant and must be addressed in a comprehensive manner in an appropriate subchapter in Chapter 2.0.

The plans that must be analyzed include, but are not limited to, the County’s General Plan (including any applicable community/subregional plan) , any applicable adopted Specific Plan), any APCD Air Quality Management Plan (Regional Air Quality Standards [RAQS]), any area-wide waste treatment plan or water quality control plans (Regional Water Quality Control Board [RWQCB] Basin Plans), any regional transportation plans (SANDAG Congestion Management Plan), any regional housing allocation plans (SANDAG), habitat conservation plans and natural community conservation plans (e.g. MSCP), and regional land use plans for the protection of the coastal zone. (§15125(d).)

General Guidance and Key Compliance Points

- Care must be taken to ensure that all descriptions are accurate and focus on the resources/conditions that exist at the time the NOP is published, or if no NOP is published, at the time environmental analysis is commenced.
- In discussing the inconsistencies of a project with an adopted plan, the analysis must include both existing physical conditions and the potential future conditions discussed in the plan. (§15125(e).)

1.6 List of Past, Present, and Reasonably Anticipated Future Projects in the Project Area [In Tabular Form] [Unless Summary of Projections is Used]

The EIR must include either: (a) a list of past, present, and “probable future projects”

producing related or cumulative impacts, regardless of whether they are under the same jurisdiction as the lead agency; or (b) a summary of projections contained in the General Plan or related planning document, or in a prior environmental document which has been adopted or certified, which described or evaluated regional or area wide conditions contributing to the cumulative impact.

Potential cumulative impacts must be discussed with the appropriate subject based analysis. This sub-chapter of the EIR provides a discussion of cumulative impacts that may result from the proposed project when added to related projects. Information developed during the Initial Study process, the response period for the Notice of Preparation, scoping meetings, and/or previous public reviews, where applicable, must be included. This sub-chapter satisfies §15130.

General Guidance and Key Compliance Points

- A map showing the location of the listed projects in relation to the proposed project must also be included.
- A reasonable effort must be undertaken to discover, disclose, and discuss related past, present, and future projects including the search of other agencies. The scope of area searched will depend on the resource that is significantly affected (e.g., noise vs. air quality).
- A brief discussion of how the extent of the cumulative projects study area was determined and the criteria used in selecting projects must be included. This list must include a summary of the expected environmental effects to be produced by those projects with specific reference to additional information stating where that information is available (e.g., project EIRs and Negative Declarations [NDs]).
- If a summary of projections used instead of a list of projects, this document must be referenced and available to the public. (§15130(b)(1)(B)1.)

1.7 Growth Inducing Impacts

This section discusses the ways in which the proposed project could foster economic or population growth, or the construction of additional housing, directly or indirectly, in the surrounding environment. Included in this analysis are projects that would remove obstacles to population growth. Also, the characteristics of the project that may encourage and facilitate other activities that could significantly affect the environment, either individually or cumulatively, must be addressed. It must not be assumed that growth in any area is necessarily a beneficial or detrimental effect on, or of little significance to, the environment.

General Guidance and Key Compliance Points

- The Growth Inducing Impacts analysis shall follow a 2-step process.
 - STEP 1. Is the impact growth inducing?
 - STEP 2. If yes, analysis of environmental effects shall follow steps discussed in Chapter 2.0.
- Examples of growth inducing impacts include the following: extension of utility lines, construction of roads, construction or expansion of wastewater treatment facility.
- Growth inducing impacts may result from projects that encourage growth in surrounding areas through economic stimulus. Examples include construction of golf courses, shopping centers, industrial facilities and residential specific plans.
- Growth induction may result from revisions to land use policies, such as General Plan amendments, annexations, and rezones.

CHAPTER 2.0 - SIGNIFICANT ENVIRONMENTAL EFFECTS WHICH CANNOT BE AVOIDED IF THE PROPOSED PROJECT IS IMPLEMENTED

This chapter of the EIR provides a detailed discussion of those subject areas that would be impacted by the proposed project. This includes information developed during the Initial Study process, the response period for the Notice of Preparation, scoping meetings, and/or previous public reviews, where applicable. Where there are impacts that cannot be alleviated without imposing an alternative design, their implications and the reasons why the project is being proposed, notwithstanding their effect, should be described. This chapter satisfies §§15126(b) and 15126.2(b).

General Guidance and Key Compliance Points

- Scope of analysis must be consistent with project description.
- It is imperative that this section is written in an objective, specific, clear, and concise manner. The analysis must logically flow from the discussion of existing conditions, guidelines for the determination of significance, analysis of project effects, and mitigation measures so that the logic and rationale for making the conclusion is clear and justifiable.
- The significant effects must be discussed with emphasis in proportion to their severity and probability of occurrence. Issues concluded to be not significant after analysis during the EIR process must be discussed in sub-chapter 4.1 , and not be located in this section. Effects dismissed in the Initial Study as clearly insignificant and unlikely to occur shall be summarized in sub-chapter 4.2 unless subsequent information is received inconsistent with the findings of the Initial Study. (§15143.)
- Technical data, maps, plot plans, diagrams, and similar relevant information must be summarized to permit full assessment of significant environmental impacts by reviewing agencies and members of the public. **Highly technical and specialized analysis and data must be placed in an appendix to the EIR.** (§15147.)
- Exhibits, maps, and tables must be used wherever possible to condense and clarify the discussion and avoid wordiness. The narrative must be restricted to the most pertinent information in the exhibits. Repetition of information that can readily be obtained from the exhibits or tables must be avoided.
- An evaluation of the environmental effects of a proposed project need not be exhaustive, but the sufficiency of an EIR is to be reviewed in light of what is reasonably feasible. The EIR must not contain conclusory statements that are not supported by empirical or experimental data, scientific authorities, or explanatory information.
- Compliance with specific existing regulations (e.g., APCD dust control requirements, grading related erosion control measures, Uniform Building Code requirements, Resource Protection Ordinance compliance) and design considerations included in the project description (open space areas, road

alignments, etc.) must be considered part of the project description and **not** used as mitigation. It is generally assumed that compliance with regulations will be achieved, therefore this fact must be taken into account when determining project effects. Care must be taken to use this approach only when regulations are clear and specific, not when regulations require discretion on the part of the approving agency (e.g., Habitat Loss Permits, various land use permits).

- Design considerations that were relied upon in determination of significance of impacts, while not considered mitigation, must be listed in the "List of Mitigation Measures and Environmental Design Considerations" at the end of the EIR to ensure that they are included in the conditions of approval for the project.
- The degree of specificity required in this chapter must correspond with the degree of specificity of the most detailed permit which the EIR is intended to cover. For example, if the EIR is intended to be used for a General Plan Amendment and Tentative Map, as well as grading and improvement plans, then the analysis must be on the grading permit/improvement plan level. (§15146).
- All phases of the project must be considered unless a tiered, master, staged, or program EIR is being pursued. (§§15126 and 15165).
- The EIR must analyze effects on existing resources as well as effects on bringing development and people into an area (e.g., both the project's effect on the environment and the environment's effect on the project and its occupants). (§15126.2(a).)
- Drafting an EIR necessarily involves some degree of forecasting. Reasonable effort must be expended to find out and disclose all project impacts. (§15144).

2.1 Subject Area Analysis [e.g. "Biological Resource Impacts"] [Repeat as Necessary]

Discussion shall be by topical areas commencing with discussion of the most significant effects and corresponding with the Table found in sub-chapter S.2. Subject Area Headings shall conform with the DPLU Environmental Analysis Form.

General Guidance and Key Compliance Points

- An EIR may incorporate by reference all or portions of another document which is a matter of public record or is generally available to the public in order to reduce the size and scope of the EIR. These documents may include previously certified EIRs which were prepared for the project site and which remain relevant but incomplete without the preparation of the current EIR. Such other document must be made available to the public for inspection at the DPLU offices during the public review period. The subchapter must state where the incorporated document will be available for inspection. The incorporated document shall be briefly summarized or described if the data or information cannot be summarized (§§15148 and 15150).)

Subject Area analysis must include the following:

- 2.1.1- Discussion of Existing Conditions Relating to Subject Area
- 2.1.2- Guidelines for the Determination of Significance
- 2.1.3- Analysis of Project Effects and Determination of Significance
- 2.1.4- Cumulative Impact Analysis
- 2.1.5- Growth Inducing Impact (if applicable)
- 2.1.6- Mitigation Measures
- 2.1.7- Conclusion

2.1.1 Discussion of Existing Conditions Relating to Subject Area

This sub-subchapter describes the relevant existing environmental conditions only in the detail necessary to enable the reader to understand the following discussion of significant effects.

General Guidance and Key Compliance Points

- Care must be taken to ensure that all descriptions are accurate and focus on the “baseline” resources/conditions as they existed at the time the notice of preparation is published, or if no notice of preparation is published, at the time environmental analysis is commenced. (§15125(a).)
- If the project includes the curing of any land use violations, then “baseline” condition assumes environmental conditions before the violation occurred, unless otherwise directed by County staff.
- It is improper to use existing conditions to “trivialize” the project's impact (e.g., a project's effect on the traffic circulation system cannot be trivialized because the existing traffic is already severely congested).

2.1.2 Identification and Discussion of Guidelines for the Determination of Significance

This sub-subchapter briefly discusses the guidelines for the determination of significance in order to provide a “baseline” for the following analysis of project effects.

General Guidance and Key Compliance Points

- Guidelines for the determination of significance can be determined from appropriate provisions of the County General Plan and elements thereof; CEQA; County ordinances, policies, and other regulations; and through discussions with County staff.
- One guideline must include any relevant ordinance, statute or policies affecting the subject matter and include a discussion of the project's compliance with such ordinance, statute or policy. Rarely will the guidelines for the

determination of significance be limited to ordinance compliance; however, it must be included as one guideline.

- The EIR shall provide references and rationales for guidelines discussed.
- Guidelines for the determination of significance should be objectively stated and, where possible, quantifiable.
- Regarding the questions found in Appendix G of the CEQA Guidelines, EIR preparers should check with County staff to ascertain whether any particular questions among these should be used as specific guidelines.

2.1.3 Analysis of Project Effects and Determination as to Significance

Utilizing the existing conditions and guidelines for the determination of significance developed in the preceding subchapters, this discussion must detail each of the significant effects associated with the project for the resource being analyzed. Additionally, the effect must be identified as either direct or indirect, and either short- or long-term.

Each significant effect must be numbered and keyed to the subchapter (e.g., 2.2.a, 2.4.e). The analysis of each effect must conclude with a direct and clear statement that the effect is considered significant.

General Guidance and Key Compliance Points

- EIR must analyze all reasonably foreseeable consequences of a project. If, after thorough investigation, a particular impact is too speculative for evaluation, this conclusion must be stated in the EIR and discussion of the impact must be terminated. (§15145.)
- Disagreement among experts does not make an EIR inadequate, but the EIR must summarize main points of disagreement and explain lead agencies' reasons, if any, for accepting one set of judgments over another. (§15151.)
- The EIR cannot use the fact that the issuance of prior or subsequent discretionary permits for a portion of a project will render an impact of the entire project less than significant.
- The EIR cannot defer analysis of effects into the future and must analyze project effects at the earliest feasible point in project planning. (§15144.)
- Economic and social effects are not to be treated as significant effects on the environment, but where there are physical environmental changes, social and economic information may be used to assist in determining the environmental significance of those changes. (§§15064(e) and 15131.)
- Where the analysis relies on technical studies, that portion of the analysis must be summarized and reference made to the appropriate section of the technical

appendix. All analyses and conclusions contained in the technical appendices must be consistent with the discussions contained in the body of the EIR.

- Analysis of significant impacts of historical and archeological resources must comply with §15064.5.

2.1.4 Cumulative Impact Analysis

The discussion of cumulative impacts must reflect the severity of the impacts and their likelihood of occurrence. The discussion must be guided by the standards of practicality and reasonableness. The EIR must examine reasonable options for mitigating or avoiding any significant cumulative effects. (§15130(b).)

General Guidance and Key Compliance Points

- An EIR shall discuss cumulative impacts of a project when the project's incremental effect is "cumulatively considerable." (§15130(a).) "Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past, current and probable future projects. (§15065(c).)
- For a project with a cumulative impact that is not cumulatively considerable, the EIR need not consider that effect significant, but shall provide a brief explanation of the basis for the determination. (§15130(a).)
- The discussion of cumulative impacts shall reflect the severity of their impacts and their likelihood to occur. The discussion shall not provide as great detail as is provided for impacts attributable to the project alone (Chapter 2.0 and 3.0). (§15130(b).)
- Sometimes the only feasible mitigation for cumulative impacts will involve the adoption of ordinances or regulations, rather than project specific mitigation. If this approach is used, the adoption of the ordinance or regulation should generally be concurrent with, or prior to, project approval and not be deferred into the future. (§15130(c).)
- Efforts must be made to ensure that only cumulative impacts, as defined in State CEQA Guidelines §15355, are discussed in this sub-section.
- An EIR cumulative impact analysis must also include future aspects of the project that are reasonably foreseeable consequences of the project.
- The County will not accept use of the "Ratio Theory," which merely states that a project's percentage of cumulative impact is so small that it cannot be considered significant. (For additional discussion of the "Ratio Theory," refer to Kostka & Zischke §13.49) The actual physical effects of the project's contribution to the overall cumulative impact must be considered when determining whether the project's contribution to the cumulative impact is significant. For example, it is necessary to go beyond simply stating that a project contributes a small percentage of overall cumulative traffic. The EIR must analyze how the project's

contribution, combined with the traffic added by other cumulative projects, affects future driving conditions.

- When using the list of projects method, an adequate cumulative analysis must consider the impacts of the proposed project in combination with similar impacts of the listed projects. This usually involves an analysis that adds together the impacts of all the projects, and then draws a conclusion as to whether the total impact is significant.
- A project may have cumulative impacts to a resource even if the EIR finds that the project's individual impact to that resource was less than significant.
- The fact that all cumulative study area projects have individually mitigated impacts to below a level of significance does not render their cumulative effects less than significant. The EIR must draw an independent conclusion as to whether the combined cumulative impacts are less than significant.

2.1.5 Growth Inducing Impacts [Should be included if determination is made that project will be growth inducing per analysis in sub-chapter 1.6]

If a project is determined to be growth inducing, then the effects of the growth on environmental resources, including effects on existing community services facilities, must be discussed. If the effects associated with growth are significant, then any feasible mitigation measures and/or any feasible project alternatives must be provided to reduce or avoid these effects. (§15126.2(d).

General Guidance and Key Compliance Points

- Specific mitigation measures are dependant on the nature of the actual impact. Once the impact is identified, the EIR must discuss existing conditions, guidelines for the determination of significance, analysis of project effects and impact avoidance/ mitigation. (Refer to Chapter 2.0 for detailed guidance.)

2.1.6 Mitigation Measures

This subchapter must discuss the feasible mitigation scenarios that could avoid, minimize, rectify, and/or reduce over time each of the significant environmental effects identified in subchapter 2.1.3. There must be a clear connection between the proposed mitigation measure and the identified significant effect. The discussion must distinguish between applicant proposed measures and other measures that could reasonably be expected to reduce adverse impacts if included as conditions. (§15126.4(a)(1(a).)

If several different mitigation measures exist, each one must be discussed and the basis for selecting a particular measure, if one is selected, must be given. If the measure, in turn, causes other significant effects, the other effects must be discussed, but in less detail in the appropriate subject area discussion within this chapter (Chapter 2.0). (§15126.4(a)(1)(D).)

If it is concluded that there are no feasible mitigation measures that reduce an effect

to a level below significance, the EIR must discuss any infeasible measures that could reduce the significant effect to a level below significance. The EIR must then discuss why these measures are infeasible.

General Guidance and Key Compliance Points

- Each mitigation measure must be numbered and keyed to correspond with each impact discussed.
- Generally, the payment of "fair share" contributions or other partial or proportional payments should **not** be proposed as mitigation. In most cases, it is the actual construction, institution, or completion of an improvement, program, or other solution that in fact mitigates the environmental impact. Only where an official program has been adopted which assures that the remaining necessary funds will be obtained and that the actual mitigating solution will be in place prior to the occurrence of the environmental impact, will participation in such a program be appropriate as a mitigation measure.
- Mitigation measures must be feasible. (§15126.4(a)(1).) "Feasible" is defined by §15364 to mean "capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, legal, social, and technological factors."
- Mitigation measures should include measures to reduce wasteful, inefficient, and unnecessary consumption of energy. Increased energy consumption related to mitigation measures must be addressed, if relevant. CEQA Guidelines Appendix F contains general examples of mitigation measures for a project's potentially significant energy impacts.
- Compliance with existing regulations or project design considerations **must not** be considered mitigation, but is considered part of the proposed project. (See Sub-subchapter 2.1.1). If implementation of certain project design considerations is critical to the conclusions of significance in the project EIR, these design considerations must be placed in the "List of Mitigation Measures and Environmental Design Considerations" at the end of the EIR.
- When justified, mitigation for other related projects can be used to mitigate for a subsequent project's impacts.
- When approving projects that are general in nature (e.g., a General Plan), the County must develop and approve whatever general mitigation measures are feasible to lessen or avoid the project's significant impacts. The County cannot defer the obligation to formulate and adopt mitigation until specific development is proposed.
- The County cannot refuse to consider mitigation measures simply because a responsible agency, with subsequent permitting authority, has power to address certain significant impacts.
- Measures must actually relate to the significant impact caused by the project.

Additionally, care must be taken to ensure that there is a clear "nexus" between the impact and the required mitigation. Also, the required mitigation must be proportional to the level of impact.

- With respect to housing development projects, the County cannot reduce the number of housing units unless the applicant agrees or the County determines that there is no other feasible mitigation that provides a comparable level of mitigation. (§15092[c].)
- Preservation of historical/archeological resources should occur whenever feasible. (§15126.4(b).) For detailed discussion regarding handling significant impacts to unique archaeological resources, see CEQA §21083.2.
- Measures must be feasible, enforceable, and implementable by the lead or responsible agencies.
- The EIR can rely on subsequent approvals of permits or plans only if there are specific "performance criteria", it is clear that the plan is achievable, and it is clear that the level of significance will be reduced.
- Deviation from mitigation recommendations in technical studies must be identified and discussed.
- Adverse effects must be mitigated to the maximum extent feasible, even if the effect is still concluded to be significant after mitigation.

2.1.7 Conclusions

This subchapter must clearly state a conclusion as to whether each of the project's significant environmental effects (identified in subchapter 2.1.3) has been reduced to below a level of significance through mitigation measures. The discussion must be supported by a synopsis of the rationale for the conclusion.

Where the EIR concludes that there are unmitigated adverse impacts, their implications and the reasons why the project is still being proposed without an alternative design, notwithstanding their effect, must be described. (§15126(b).) This conclusion shall be supported by a discussion of why the impact could not be mitigated or otherwise reduced to a level below significant.

2.X Significant Irreversible Environmental Changes Resultant From Project Implementation [Only Required for Certain Projects]

This subchapter is only required for a draft EIR prepared for the adoption, amendment, or enactment of a plan, policy, or ordinance for a public agency, the adoption of a Local Agency Formation Commission (LAFCo) Resolution, or a project subject to Environmental Impact Statement pursuant to the National Environmental Policy Act. (§§15126.2(c) and 15127.)

General Guidance and Key Compliance Points

- Any significant irreversible environmental changes which would be caused by the proposed action, should it be implemented, must be disclosed.
- Any uses of non-renewable resources or limitations on future uses of non-renewable resources if the proposed project is implemented must be disclosed (example: placement of a residential land use designation in an area of a known mineral resource). Irretrievable commitments of resources must be evaluated to ensure that the project's consumption is justified.
- Any primary and secondary impacts that commit future generations to similar uses must be disclosed.

CHAPTER 3.0 - SIGNIFICANT ENVIRONMENTAL EFFECTS OF THE PROPOSED PROJECT WHICH CAN BE MITIGATED

This chapter of the EIR provides a detailed discussion of those subject areas that are impacted by the project but avoided, reduced or minimized through mitigation measures by the proposed project. This includes information developed during the Initial Study process, the response period for the Notice of Preparation, scoping meetings, and/or previous public reviews, where applicable. This chapter satisfies §§15126.2 and 15126.4.

General Guidance and Key Compliance Points

- Refer to General Guidance and Key Compliance Points discussed in Chapter 2.0.

3.1 Subject Area Analysis [Repeat as Necessary]

This section must follow the same format and contain the same sub-subchapters and level of analysis as discussed in Section 2.1.

If the significance after mitigation is not clear, then the EIR must generally conclude that the effect is significant and not mitigated and the impact should be discussed in Chapter 2.0.

CHAPTER 4.0 - ENVIRONMENTAL EFFECTS FOUND NOT TO BE SIGNIFICANT

4.1 Effects Found Not Significant as Part of the EIR Process

Include a brief discussion of the effects identified as potentially significant during the Environmental Initial Study or Notice of Preparation process but were concluded not to be significant after further analysis. Include technical studies in appendices, as necessary (§§15128 and 15143.)

4.1.1 Subject Area Analysis [Repeat as Necessary]

The discussion should generally be concise as shown in Subchapter 2.1; there will be no discussion of mitigation measures.

4.2 Effects Found Not Significant During Initial Study

Either briefly state which environmental effects were determined not to be potentially significant during the Environmental Initial Study or reference a complete copy of the Environmental Initial Study attached as an appendix (§§15128 and 15143.)

CHAPTER 5.0 PROJECT ALTERNATIVES

This chapter of the EIR is intended to implement the requirements set forth in §15126.6.

5.1 Rationale for Alternative Selection

The EIR must describe a range of reasonable alternatives, and must briefly describe the rationale for alternative selection based upon the requirements described below. (§15126.6). This discussion must also identify alternatives seriously considered (including proposals by the public or other agencies) but rejected as infeasible including the rationale for rejection. Factors that may be used to eliminate an alternative from detailed discussion include: failure to meet basic project objectives, infeasibility, inability to avoid significant environmental impacts. (§15126.6(c).)

General Guidance and Key Compliance Points

- The discussion shall focus on alternatives that are capable of avoiding or substantially lessening any significant effects of the project, even if the alternatives may impede to some degree the attainment of project objectives, or may be more costly. (§15126.6(b).) This applies even if the project effects can be mitigated through the imposition of mitigation measures alone. Note that defining the project objectives narrowly in an attempt to severely limit the scope of potential alternatives is not permissible.
- Where an alternative was considered but rejected as infeasible, that fact should be mentioned briefly in the introductory portion of Chapter 5, and the rejected alternative should not be included among the alternatives discussed under subchapter 5.2.
- Alternatives that do not reduce at least one of the significant effects of the proposed project must not be included in the EIR.
- Criteria that can be taken into consideration in determining the feasibility of various alternatives include: site suitability; economic viability; availability of infrastructure; General Plan consistency; other plans or regulatory limitations; jurisdictional boundaries (depending on project scale); and whether the project proponent can reasonably acquire, control, or otherwise have access to the alternative site. (§15126.6(f)(1).)
- If any alternatives are considered infeasible due to the above criteria, the EIR must provide factual support for this conclusion. If an alternative is rejected because of financial infeasibility, then evidence of the infeasibility must be included in the record (e.g., project file). (*Goleta I.*) The rationale must be based in fact, not speculation or opinion.
- The range of alternatives cannot be limited by the fact that the project applicant has made substantial investments, agreements, or contracts in the proposed project before obtaining approval by the decision-making body.

- The following principles apply to **alternative location** analyses:

A "rule of reason" should be followed in determining whether to include analysis of alternative locations. (§15126.6(f)(2).) The key question is whether any of the significance effects would be avoided or substantially lessened by putting the project in another location. If no feasible alternative locations exist, the EIR must disclose the reasons for this conclusion. (§15126.6(f)(2).) Further, if a previous document has previously considered a range of reasonable alternative locations, that document should be referenced and made available. (§15126.6(f)(3).) An Alternative Location analysis may not be omitted solely on the basis that the project proponent does not own other land for the project. Whether the project is proposed by a public agency with the power to acquire an alternative site, and whether a private proponent has rights because of existing legal relationships to acquire alternative sites, are factors to take into consideration. If alternative locations are rejected as infeasible, the reasons must be given. (§15126.6(f)(2)(b).)

- The following principles apply to **"No Project Alternative"** analyses:

A "No Project Alternative" must be included. The purpose of the "No-Project" alternative is to provide a comparison of the environmental impacts that would result if the project is approved with what would occur if the project was not approved. (§15126.6(e)(1).)

There are two types of "No Project Alternatives"; either or both of these may be appropriate for inclusion in an EIR:

- When the project is the revision of an existing plan, policy or ongoing operation, the "No Project" Alternative will be the continuation of the existing plan, policy or operation into the future, and the analysis compares the proposed plan to what would occur under the existing plan.
- When the project is *not* the revision of an existing plan, policy or ongoing operation (for example, a development project on identifiable property), the "No Project" Alternative is the circumstance where the project does not proceed, and the analysis compares the proposed project to the property remaining in its existing state. This would normally be a "No Build" circumstance, except where the analysis demonstrates that failure to proceed with the project would result in predictable actions by others, in which case the consequences of those actions should be discussed.

If the environmentally superior alternative is the "no project" alternative, the EIR shall also identify an environmentally superior alternative among the other alternatives (§15126.6(e)(2).)

- The "Reduced Project Analysis" - Multiple variations of this alternative are often included and consist of reducing the overall project scale or specific elements of the project.
- If it is determined as part of the EIR process that a proposed project cannot be

approved because of its failure to comply with the County's General Plan, ordinances, policies, or other legal deficiency, the EIR must provide a minimum of two feasible reduced project alternatives to comply with CEQA requirement for a reasonable range of alternatives.

5.2 Analysis of the "X" Alternative [Repeat as Necessary]

5.2.1 "X" Alternative Description and Setting

Include in the description of the alternative the degree to which the project development objectives can be attained.

5.2.2 Comparison of the Effects of the "X" Alternative to the Proposed Project

The environmental effects of the alternative shall be described under each topical area, as accomplished in Subchapter 2.1, however the sub-subchapter headings do not need to be followed for sake of brevity. The discussion must be detailed enough to allow meaningful evaluation, analysis, and comparison with the proposed project. Mitigation, unavoidable adverse impacts, and the cumulative impacts only need to be described if they are different from the proposed project; otherwise state that these effects and mitigation requirements are the same. Any new significant effects associated with the alternative, but not associated with the proposed project, must be discussed. However, the discussion must be in less detail than the proposed project effects discussion in Chapter 2.0 of the EIR. (§15126.6(d).)

5.2.3 Rationale for Preference of Project design over the "X" Alternative

This discussion must state the rationale for the applicant's (or staff's for publicly initiated projects) rejection of the alternative in favor of the proposed project.

LIST OF REFERENCES

This list must provide adequate references to documents cited in the EIR. References that were heavily relied upon in the EIR analysis and which have a limited circulation must include a location where the public can readily access and review the document. (§15150.)

LIST OF EIR PREPARERS AND PERSONS AND ORGANIZATIONS CONTACTED

This list must clearly identify: 1) all staff, agencies, and organizations who prepared the EIR; and 2) all Federal, State, or local agencies, organizations, and individuals who were consulted during its preparation. The list must indicate the name, affiliation, and a very brief explanation of each individual's role in the preparation of the EIR. (§15129.)

LIST OF MITIGATION MEASURES AND ENVIRONMENTAL DESIGN CONSIDERATIONS

This list must include: 1) a comprehensive listing of all mitigation measures proposed for the project; and 2) a listing of all conditions of approval required to ensure that project design considerations that were relied upon to determine an effect to be less than significant are required to be implemented (e.g., applicant proposed open space areas, road improvements, drainage systems).

TECHNICAL APPENDICES

Technical appendices must be identified by letter and subject. Contents of the technical studies must include, at a minimum, the following:

- Environmental Initial Study.
- Notice of Preparation and Responses.
- Technical Studies (it is imperative that the project as assessed in the technical studies is consistent with the project description within the EIR). An exception can be given if the technical appendix assessed a clearly environmentally inferior project and concluded that the effects not to be significant or mitigable by design considerations that were incorporated into the "revised" project. Additionally, a technical study that addresses a larger area than the proposed project is allowable if the impacts attributed to the actual project area are accurately stated. (§15147.)

CONTENTS OF THE FINAL EIR INCLUDING RESPONSES TO PUBLIC COMMENT
(§15132)

1. A COMPLETE COPY OF THE DRAFT EIR, amended/revised as necessary based on the public comment and recommendations. (See #3 below.)
2. A LIST OF PERSONS, ORGANIZATIONS, AND PUBLIC AGENCIES THAT HAVE COMMENTED OR GIVEN RECOMMENDATIONS ON THE DRAFT EIR.
3. COMMENTS AND RESPONSES TO COMMENTS AND RECOMMENDATIONS RECEIVED ON THE DRAFT EIR. (See County Guidance, Attached.)

The response to comments must be part of a separate section within the technical appendices to the EIR. Where the response to comments makes important changes in the information contained in the text of the draft EIR, then the text of the body of the EIR must be revised.

4. STATEMENT OF LOCATION AND CUSTODIAN OF DOCUMENTS OR OTHER MATERIALS THAT CONSTITUTE A RECORD OF PROCEEDINGS.
5. OTHER INFORMATION.

Any other information can be included in the final EIR that is deemed appropriate by the County.

GUIDANCE FOR EIR PREPARERS

Attached are Sample and Guidance documents for use in preparing an EIR, including:

- A. Sample Summary of Significant Effects Table
- B. Sample Comparison of Alternatives
- C. Sample Matrix of Project Approvals
- D. Guidance and Sample Findings Regarding Significant Effects
- E. Guidance Regarding Evaluation of and Responses to Comments
- F. Guidance and Sample Regarding Statements of Overriding Considerations
- G. Guidance and Sample Decision and Explanation Regarding Recirculation

SAMPLE A
Summary of Significant Effects

Impact No.	Impact	Mitigation	Significance After Mitigation
<u>Transportation/Circulation (see Section 2.1 and Section 3.3)</u>			
2.1.3a	Highway from Lake Park Road to Old Rios Road: Reduction to LOS E.	<ul style="list-style-type: none"> Improve to a four-lane commercial collector with bike lanes to the satisfaction of the County Engineer. 	Roadway Segment. Impacts 2.1.3.a will be mitigated to below a level of significance by achieving LOS B.
2.1.3.b	Highway from Old Rios Road to Marina Lane: Reduction to LOS E.	<ul style="list-style-type: none"> Improve to transition the eastbound traffic to the satisfaction of the County Engineer. 	Roadway Segment Impacts 2.1.3.b will be mitigated to below a level of significance by achieving LOS A.

SAMPLE B
Comparison of Project Alternative Impacts to Significant Proposed Project Impacts

Impact Category	No Project/ No Build	Alternative Location – X Property	Alternative Location – Y Property	Reduced Project – No Gas Station	Reduced Project – No Supermarket	Reduced Supermarket Facility	No Gas Station – Small Retail Shop Building
Transportation/Circulation	Similar	Greater	Greater	Less	Less	Less	Less
Air Quality	Similar	Similar	Similar	Less	Greater	Greater	Less
Noise	Similar	Less	Similar	Similar	Less	Similar	Similar
Drainage/Hydrology	Similar	Similar	Similar	Similar	Similar	Similar	Similar
Biological Resources	Similar	Similar	Greater	Similar	Similar	Similar	Similar

Sample D

GUIDANCE AND SAMPLE FINDINGS REGARDING SIGNIFICANT EFFECTS

GUIDANCE:

2. Required Findings. Section 21081 of CEQA, and Section 15091 of the State CEQA Guidelines, prohibit project approval unless the public agency makes one or more written findings for **each** of the significant effects identified in the EIR, accompanied by a brief explanation of the **rationale** for each finding. The possible findings are:
 3. Changes or alterations have been made in, or incorporated into, the project which avoid or substantially lessen the significant effects as identified in the final EIR.
 4. Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency.
 5. Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the final EIR.
6. Approaches Available.
 7. For many projects, all significant effects are mitigated. In that case, finding (1) under Section 15091(a) must be made for each significant effect, together with a statement of the rationale which supports the finding. The format for this approach should be substantially as is provided at Sample A below. Provide subject headings and group the significant effects under them, with the headings and the numbering of the significant effects and the mitigation measures to match the Final EIR text.
 8. For some projects, a mix of findings (1), (2) or (3) above may be applicable. In those case, the format for the findings will be more complicated. The format should be substantially as in Sample B below, but may be adjusted as appropriate.

SAMPLES:

Sample A. (Where all significant effects are mitigated):

"FINDINGS REGARDING SIGNIFICANT EFFECTS

"Pursuant to Section 15091 of the State CEQA Guidelines, the _____[decision making body]_____ finds that, for each of the significant effects identified in the FEIR, changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen ("mitigate") each of the significant environmental effects as identified in the FEIR. The Impacts and Mitigation Measures are stated fully in the FEIR. The following are brief explanations of the rationale for this finding for each Impact:

"(1) Transportation/Circulation Impacts

Impact 2.1.a: The mitigation measures specified in the FEIR have been imposed upon the project as conditions of approval, requiring ____[provide summary of required mitigation]_____.

Implementation of this mitigation measure will ____[describe how mitigation measure will avoid or substantially lessen the significant effect, and what will be the consequence in terms of the significance criteria]_____.

Impact 2.1.b: [Continue as above for each significant effect]

"(2) Biological Resource Impacts

Impact 2.2.a: [Continue as above]_____."

Sample B: (Where a combination of findings (1), (2) and/or (3) applies):

"FINDINGS REGARDING SIGNIFICANT EFFECTS

"A. Pursuant to Section 15091(a)(1) of the State CEQA Guidelines, the _____[decision making body]_____ finds that, for each of the following significant effects as identified in the FEIR, changes or alterations (Mitigation Measures) have been required in, or incorporated into, the project which avoid or substantially lessen each of the significant environmental effects as identified in the FEIR. The significant effects (Impacts) and Mitigation Measures are stated fully in the FEIR. The following are brief explanations of the rationale for this finding for each Impact:

"(1) Transportation/Circulation Impacts

Impact 2.1.a: The mitigation measures specified in the FEIR have been imposed upon the project as conditions of approval, requiring ____[provide summary of required mitigation]_____.

Implementation of this mitigation measure will ____[describe how mitigation measure will avoid or substantially lessen the significant effect, and what will be the consequence in terms of the significance criteria]_____.

Impact 2.1.b: [Continue as above for each significant effect]

"B. Pursuant to Section 15091(a)(2) of the State CEQA Guidelines, the _____ [decision making body] finds that, for each of the following significant effects as identified in the FEIR, changes or alterations which would avoid or substantially lessen these significant effects are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency. The significant effects (Impacts) and Mitigation Measures are stated fully in the FEIR. The following are brief explanations of the rationale for this finding for each Impact:

"(4) Air Quality Impacts

Impact 2.4.a: The mitigation measure(s) specified in the FEIR of _____ [describe mitigation measure(s)] is/are within the responsibility and jurisdiction of _____ [specify other public agency]. The(se) mitigation measures _____ [either "were adopted by that agency on _____ [specify adoption information]" or "can and should be adopted by that agency because _____ [explain rationale]"].

Impact 2.4.b: [Continue as above for each significant effect]"

"C. Pursuant to Section 15091(a)(3) of the State CEQA Guidelines, the _____ [decision making body] finds that, for each of the following significant effects and project alternatives as identified in the FEIR, specific economic, legal, social, technological, or other considerations make the mitigation measures or project alternatives infeasible:

"(6) Visual / Aesthetic Impacts

Impact 2.6.a: The _____ [identify alternative or mitigation measure] discussed at pages _____ of the Final EIR is infeasible because _____ [set forth rationale for infeasibility, with reference to the location in the Final EIR or other places in the record where the supporting information can be found] _____."

GUIDANCE REGARDING EVALUATION OF AND RESPONSES TO COMMENTS

1. IDENTIFYING SUBSTANTIVE COMMENTS:

A comment deserving a substantive response may be :

- a. A recommendation for proposed changes to the project, proposed mitigation or alternatives to reduce significant effects of the project; or
- b. An objection to the adequacy of the Environmental Impact Report (EIR) or the data, analysis or conclusions on environmental issues.

Be relatively inclusive in identifying statements that could be interpreted as meeting the above criteria. However, if a comment fails to raise any substantive matter, a general response such as the following should be used:

"The County of San Diego acknowledges and appreciates this letter. However, the **(choose one of the following as appropriate):**

"issues raised are not related to an environmental issue pursuant to CEQA." OR

"issues raised are not at variance with the existing content of the draft EIR." OR

"letter fails to raise any issue or make a substantive comment."

Do not identify multiple comments as one comment. Make sure to break out individual comments.

2. DIRECTIONS FOR RESPONDING TO COMMENTS:

The responses to comments are a very important legal and technical component of the CEQA process. Therefore, substantial time and effort is required to adequately respond to comments. The following guidance must be complied with when responding to comments:

- a. Clearly identify each comment letter with an alphabetical identifier (i.e., A, B, C, then AA, AB, AC, etc.). Then identify specific comments on a copy of the comment letter and assign each comment an alphanumeric designation (e.g., A-5, KK-32). Responses to comments must be keyed to this assigned number. **DO NOT COMBINE WHAT SHOULD BE SEPARATE COMMENTS INTO ONE LARGE COMMENT.** It is better to

break out multiple issues raised into their component parts and respond to each discrete issue.

- b. The response must demonstrate an unbiased, good faith, and reasoned analysis of each comment received.
- c. Responses must be written in the context that the County is responding to the comment, not the consultant or applicant.
- d. Do not paraphrase comments. If comments are to be rewritten, they must be rewritten verbatim. It is preferred that a copy of the comment letter be scanned onto one-half of an 8.5" x 11" paper in landscape orientation with responses word processed onto the other half.
- e. The level of detail in the response must be consistent with the level of detail in the comment.
- f. Unsubstantiated conclusions in responses are not acceptable. **All responses must be supported by substantial evidence.**
- g. Initiate the response with a clear statement as to whether or not the County concurs with the recommendation or objection.
- h. If the County does not concur with the comment, include a fact-based discussion of the rationale for why the County does not concur.
- i. If the County concurs with the comment, determine whether responding to the comment would involve making "important changes" to the EIR, including the project description, impact discussion, mitigation or alternatives discussion.
 - (1) If responding to the comment would require making important changes, make those revisions and simply state this in the response, along with a reference as to where the revision was made. Always double check to ensure that the reference is accurate.
 - (2) If responding to the comment does not require revision to the draft EIR (even if the County concurs with the comment), state this and give a brief rationale for not making any revision (unless the reasoning is clearly obvious).
- j. Respond directly to the comments as written. Avoid excessive interpretation of what is believed to be the point of the comment.
- k. Once a draft response is written, re-read the comment and response to make sure that the response actually addresses the issues brought forth in the comment. It is common that issues are missed or that deviation from the issue occurs as the response is written.

- l. Cross-references may be made to responses to other comments, to avoid repetition and to reduce time and costs. Always double check to ensure that the reference is accurate and that the cross-referenced response fully addresses all points raised in the comment.
- m. For each response which relies upon information contained in the EIR, provide page references to the locations where that information may be found.

3. HANDLING OF LATE COMMENTS:

- a. The County considers comments on EIRs to be received "on time" if the comment is:
 - 1. Received from the State Clearinghouse;
 - 2. Postmarked on or before the date of the close of the public review period (including any extensions); or
 - 3. Received (either hand delivered or by fax) at the address in the legal advertisement or the County Clerk at or before 4:00 p.m. on the date of the close of the public review period.
- b. **The County does not formally include responses to late comments in the final EIR.** The following procedures must be followed in handling of late comments:
 - 1. Comments that are late will be stamped as such upon receipt by County staff and separated from comments received on time.
 - 2. Late comments will be reviewed and responded to by the consultant per the requirements of Section 2, above except:
 - (a) Late comment responses will be kept separate from the responses to timely comments;
 - (b) Late commenters must not be listed on the List of Individuals, Organizations, and Public Agencies that Commented on the draft EIR;
 - (c) County staff will place late comments and responses in the case file and will not include them in the final EIR package; and
 - (d) Late commenters will not be given the ten day advance notice of hearing.

Sample F

**GUIDANCE AND SAMPLE REGARDING
STATEMENTS OF OVERRIDING CONSIDERATIONS
(State CEQA Guidelines Section 15093)**

GUIDANCE:

Section 15093 of the State CEQA Guidelines provides:

- a. CEQA requires the decision-making body to balance, as applicable, the economic, legal, social, technological, or other benefits of a proposed project against its unavoidable environmental risks when determining whether to approve the project. If the specific economic, legal, social, technological, or other benefits of a proposed project outweigh the unavoidable adverse environmental effects, the adverse environmental effects may be considered "acceptable".
- b. When the lead agency approves a project which will result in the occurrence of significant effects which are identified in the final EIR but are not avoided or substantially lessened, the agency shall state in writing the specific reasons to support its action based on the final EIR and/or other information in the record. The statement of overriding considerations shall be supported by substantial evidence in the record.
- c. If an agency makes a statement of overriding considerations, the statement should be included in the record of the project approval and should be mentioned in the notice of determination. The statement does not substitute for, and shall be in addition to, findings required pursuant to Section 15091.

The San Diego County CEQA Guidelines provide that:

Specific **economic** considerations which provide overriding benefits may include, but are not limited to:

- * A significant increase in newly created long-term jobs.
- * A significant increase in direct revenue to the County.
- * Satisfaction of demand for a scarce product that is infeasible to produce at an alternative site where unmitigable environmental impacts can be avoided.

Specific **social** considerations which provide overriding benefits may include, but are not limited to:

- * Provision of an essential public facility or service that could not feasibly be provided at an alternative site where unmitigable environmental effects can be avoided.

Other considerations which provide overriding benefits may include but are not limited to:

- * Legal considerations such as provisions of local, State or Federal law and court orders.
- * Technical considerations which severely limit siting options.

(Article 7, Section 7.6, Paragraph 4.)

SAMPLE:

Preparers should utilize substantially the following format in drafting Statements of Overriding Considerations:

"STATEMENT OF OVERRIDING CONSIDERATIONS

 [PROJECT NAME]
 [PROJECT NUMBERS]
 [SCH NUMBER]
 [DATE]

"The [decision-making body] has adopted Findings Regarding Significant Effects for the above project, which identify that certain significant effects of implementing the project are unavoidable even after incorporation of any feasible mitigation measures. The [decision making body] finds that the remaining unavoidable significant effects are acceptable due to each of the specific economic, legal, social, technological or other benefits which will result from approval and implementation of the project, as listed below. All of these benefits are based on the facts set forth in the Findings Regarding Significant Effects, the Final EIR, and the record of proceedings for this Project. Each of these benefits is a separate and independent basis that justifies approval of the project, so that if a court were to set aside the determination that any particular benefit will occur and justifies project approval, the [decision making body] determines that it would stand by its determination that the remaining benefit(s) is or are sufficient to warrant project approval.

"[List and discuss the overriding benefits. For each benefit, demonstrate how it is assured that the benefit will result from the project approval.]"

Sample G

**GUIDANCE AND SAMPLE DECISION AND EXPLANATION
REGARDING RECIRCULATION OF
DRAFT ENVIRONMENTAL IMPACT REPORT (EIR)**

GUIDANCE: Section 15088.5(a) of the State CEQA Guidelines requires that the County of San Diego to recirculate a draft EIR when significant new information is added to the draft EIR after public review of the draft EIR but before certification. "Significant new information" can include changes in the project or environmental setting as well as additional data or other information. New information added to a draft EIR is not significant unless the draft EIR is changed in a way that deprives the public of a meaningful opportunity to comment upon a substantial adverse effect of the project or a feasible way to mitigate or avoid such an effect (including a feasible alternative) that the project's proponents have declined to implement.

SAMPLE:

Preparers should use the following sample format:

**"DECISION AND EXPLANATION REGARDING RECIRCULATION OF
DRAFT ENVIRONMENTAL IMPACT REPORT (EIR)**

 [PROJECT COMMON NAME]
 [PROJECT NUMBERS]
 [DATE]

"BACKGROUND: [Briefly describe the public review process including dates and refer to responses to comments.]

"DECISION: [No significant] [Significant] new information has been added to the Draft EIR since public notice was given of the availability of the draft EIR for public review, and therefore recirculation of the Draft EIR [is] [is not] required.

"EXPLANATION: The County of San Diego provides the following discussion to explain the above decision:

[Describe how the above 15088.5(a) criteria requiring recirculation have or have not been met. List all substantive revisions to the EIR, made to the draft EIR after the notice of availability. Also provide a statement which recognizes and describes any non-substantive changes. (This may be generalized if there are many non-substantive changes.) If no substantive new information has been added, simply state this fact. For each piece of substantive information added, describe whether it is significant using the definition in 15088.5(a) and the examples given in 15088.5 (a) (1 through 4).]"

